



STAFF REPORT
MAPC: April 13, 2023
DAB IV: April 3, 2023

AGENDA ITEM NO. _____

CASE NUMBER: ZON2023-00007 (City)

APPLICANT/AGENT: Sunset Enterprises LLC (Applicant), K.E. Miller Engineering (Agent)

REQUEST: GO General Office District

CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 8.33 acres

LOCATION: Generally located east of South Maize Road and north of West Kellogg Drive.

PROPOSED USE: Allow uses in General Office zoning.

RECOMMENDATION: Approve.



BACKGROUND: The applicant is requesting a zone change from SF-5 Single-Family Residential District to GO General Office District on an unplatted lot totaling 8.33 acres in size. The property is generally located east of South Maize Road and north of West Kellogg Drive.

The applicant has not specified what will be developed on the property. GO General Office District generally permits more residential (including duplex and multi-family), civic, and commercial options than SF-5 Single-Family Residential District, but its permitted uses are relatively low in intensity. The requested zone change to GO General Office District would also have a reduction in setbacks and an increase in permitted building height, as seen in the table below:

Property Development Standards	SF-5 Single-Family Residential District	GO General Office District
Minimum lot area	5,000 square feet	2,500 square feet for Single-Family; 2,000 square feet per Dwelling Unit for Duplex; 580 square feet per Dwelling Unit for Multi-Family (maximum 75.1 Dwelling Units per acre); 5,000 square feet for nonresidential uses
Front setback	25 feet	20 feet
Rear setback	20 feet	10 feet
Maximum height	35 feet	60 feet
Minimum lot width	50 feet	No minimum

Properties to the north are zoned SF-5 Single-Family Residential District and are developed with single-family residences. Property to the south is owned by the same applicant, is part of CUP DP-318, is zoned LC Limited Commercial District, and is currently undeveloped. Property to the east is zoned SF-5 Single-Family Residential and is the Cowskin Creek flood management area. Properties to the west are zoned SF-5 Single-Family Residential District and are developed with single-family residences. Some of the properties are owned by the same applicant. The applicant proposes to demolish two of the single-family residences to create access to the subject site from South Maize Road. These two are not contiguous to each other. If access is permitted at these locations, some single-family residences will be isolated from the others that line the east side of South Maize Road.

Section IV-B.2 of the Unified Zoning Code (UZY) requires screening of commercial properties when abutting or across a street or alley from residential zoning districts. Because the property abuts residential zoning on the north, east, and west sides, the applicant will be required to provide a solid screening fence of at least six-feet in height along these property lines. The property will also need to adhere to the rules and regulations of the Wichita Sign Code, which prohibits buildings signs from facing residential zoning district if the building is within 150 feet of the residential lot line.

The applicant will need to adhere to the requirements of the Wichita Landscape Ordinance. In general, the ordinance requires one shade tree (or two ornamental trees) per 40 linear feet along the abutting residential property lines and a landscape street yard will be required along South Maize Road for the lots providing access to the site. A landscape plan is required to be submitted for review and approval prior to the issuance of building permits.

The UZY Sec.IV-C.5.a, Compatibility Height standards states that no structure shall exceed 35 feet in height within 50 feet of the lot line of property zoned TF-3 or more restrictive. The proposed GO zoned site abuts and is adjacent to SF-5 zoned properties. Thus, the maximum height of 35 feet will be the same as the abutting and adjacent SF-5 single-family residences on the north, east, and west sides of the property. The minimum building compatibility setback shall be 15 feet plus one foot for each five feet of lot width over 50 feet.

CASE HISTORY: The property is currently unplatted and will need to be platted prior to the issuance of building permits. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	LC with CUP DP-318	Undeveloped
EAST:	SF-5	Undeveloped
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: The subject site currently does not have access to any public streets. However, the applicant intends to demolish one or two of the single-family homes to provide access from South Maize Road. The undeveloped parcel to the south of the subject site is under common ownership and has access to West Kellogg Drive. South Maize Road is a four-lane arterial street with sidewalks on each side. The subject site has access to sewer, but water services will need to be extended onto the site. Wichita Transit does not serve this site.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the *Community Investments Plan*. The *Community Investment Plan* (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as primarily appropriate for both “Residential” and “New Employment”. The *Plan* defines “New Employment” as “*Areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices.*” The *Plan* defines “Residential” as “*areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality.*”

The Locational Guidelines of the *Community Investments Plan* provide a framework for decision-making regarding land use changes. Outside the Established Central Area, where the subject site is located, “residential and non-residential development areas generally should be separate and distinct with appropriate screening and buffering to ensure compatibility among land uses while maintaining connectivity among uses.” The proposed development will require screening and buffering in accordance with the Unified Zoning Code and the Wichita Landscape Ordinance.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Properties to the north are zoned SF-5 Single-Family Residential District and are developed with single-family residences. Property to the south is owned by the same applicant, is part of CUP DP-318, is zoned LC Limited Commercial District, and is currently undeveloped. Property to the east is zoned SF-5 Single-Family Residential and is undeveloped. Properties to the west are zoned SF-5 Single-Family Residential District and are developed with single-family residences. Some of the properties are owned by the same applicant. The applicant proposes to demolish two of the single-family residences that he owns to create access to the subject site from South Maize Road.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned SF-5 Single-Family Residential District, the property is suitable for a limited number of residential, public, and civic uses, including single-family residences.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The property will bring development to an undeveloped lot. The applicable screening and setback and height compatibility standards in the Unified Zoning Code, along with the Wichita Landscape Ordinance, are designed to mitigate negative impacts of higher intensity uses (such as commercial development that is allowed by right in GO General Office District) abutting less intensive uses (single-family residential zoning), such as visual impacts, noise, and lighting.
4. **Length of time subject property has remained vacant as zoned:** The property has never been developed.
5. **Relative gain to public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would permit new development in an area on an undeveloped parcel that is also appropriate for such development. Providing access to the site off of Maize Road may

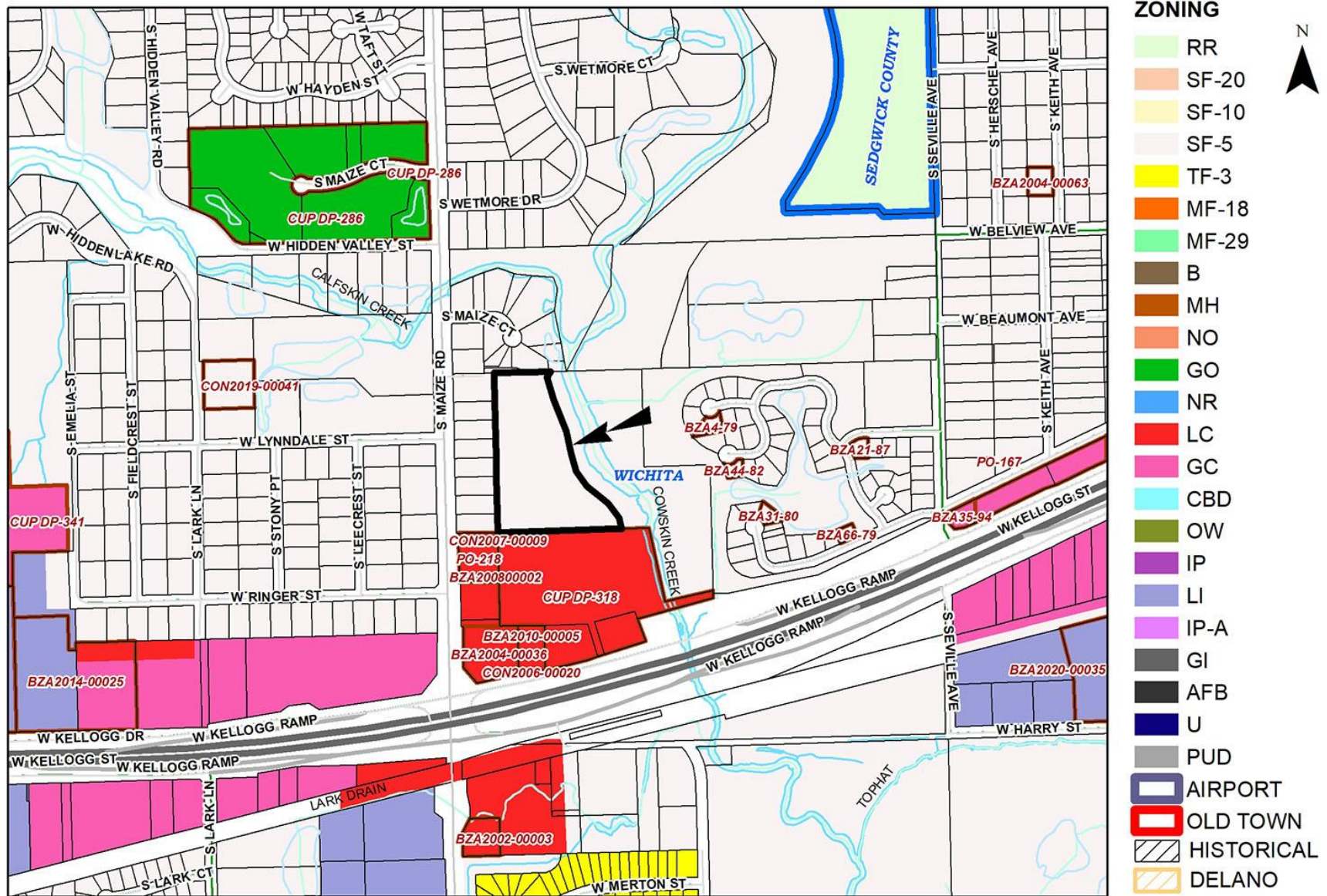
have detrimental effects to the welfare of those single-family homes that will be isolated from the others. Denial would represent a loss of economic opportunity for the applicant.

6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zoning would continue to allow the property to be in conformance with the *Community Investments Plan*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** The Planning Department does not anticipate the requested zone change will have a significant impact on community facilities.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has not received any comments from the public on the requested zone change.

Staff Report Attachments:

1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Site Plan
5. Photos





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Looking east towards site



Looking west away from site



Looking south away from site



Looking south away from site

